

## Remarks

Claims 1-20 are pending in the application. Claims 1-15 and 17-20 were rejected and claim 16 was objected to. By this Amendment, claims 1 and 10-12 have been amended. Reconsideration of the claims is respectfully requested. No new matter has been added.

### Rejection Under 35 U.S.C. § 103

Claims 1-15 and 17-20 were rejected under § 103(a) as being unpatentable over U.S. Patent No. 6,418,607 issued to Seifert (hereinafter “Seifert ‘607”). Independent claims 1, 10 and 17 and their respective dependent claims are discussed separately below.

Claim 1 has been amended to recite an apparatus having “a source of pressurized gas” that is “supplied to the closure to exert force against an exterior surface of a sheet.” Seifert ‘607 does not disclose a source of pressurized gas that is supplied to a closure or that exerts force against an exterior sheet surface. Instead, Seifert ‘607 discloses hydroforming a hollow body 9 by delivering a pressure medium into the internal cavity 17 of the hollow body 9 by means of the lance 7 (column 4, lines 27-29). As such, Applicants believe this rejection has been overcome. Since claims 2-9 depend on claim 1, Applicants believe these claims are allowable for the same reasons.

A *prima facie* case has not been established for the rejection of claims 6 and 7. Claims 6 and 7 recite a tool receiving aperture “disposed in the closure” and “disposed outside the second cavity in the closure,” respectively. Seifert ‘607 does not disclose or remotely suggest any aperture disposed in a closure. As such, a *prima facie* case has not been established and these rejections must be withdrawn.

A *prima facie* case has not been established for the rejection of claims 8 and 9. Claims 8 and 9 recite a tool “disposed adjacent to a perimeter of the die” and “disposed adjacent to a perimeter of the closure,” respectively. Seifert ‘607 does not disclose or remotely

suggest any tool disposed adjacent to a perimeter of a die or a perimeter of a closure. Applicants note that punches 15 and 18 cited by the examiner are disposed *inside* upper and lower tool parts 4 and 5 and are clearly spaced apart from the perimeter of these parts (see Figure 1). As such, a *prima facie* case has not been established and these rejections must be withdrawn.

Claim 10 has been amended to recite “a second die member having an inlet for providing pressurized gas into a second cavity disposed between the second die member and the sheet.” Seifert ‘607 does not disclose a second die member having an inlet or providing pressurized gas into a second cavity as claimed. Instead, Seifert ‘607 discloses hydroforming a hollow body 9 by delivering a pressure medium into the internal cavity 17 of the hollow body 9 by means of the lance 7 (column 4, lines 27-29). As such, Applicants believe this rejection has been overcome. Since claims 11-15 depend on claim 10, Applicants believe these claims are allowable for the same reasons.

A *prima facie* case has not been established for the rejection of claim 15 since there is no teaching or suggestion of a restrike tool or a restrike operation. The Examiner pointed to punch 18 for support. However, a punch is not a restrike tool. As such, a *prima facie* case has not been established and this rejection must be withdrawn.

Applicants believe a *prima facie* case has not been established for the rejection of claim 17. Claim 17 recites “superplastic forming a portion of the metal sheet”. Seifert ‘607 does not disclose or remotely suggest superplastic forming of any item. Instead, Seifert ‘607 only disclose a hydroforming process for forming hollow bodies (column 1, lines 52-59). Superplastic forming is not hydroforming. Moreover, the Examiner has provided no reference or support for the contention that hydroforming methods or techniques have been used for superplastic forming. As such, a *prima facie* case has not been established and Applicants respectfully request that this rejection be withdrawn. Since claims 18-20 depend on claim 17, Applicants request that the rejection of these claims be withdrawn.

Even if a proper rejection could be made for the rejection of claim 17, a *prima facie* case has not been established for claim 20. Claim 20 recites that the step of retracting the tool “occurs after the die and closure are moved apart.” Seifert ‘607 is silent regarding such a step. Moreover, retracting a tool after the die and closure are moved apart is one way of addressing the warpage problems mentioned in the specification, a problem which is not associated with or addressed by Seifert ‘607 and its limited applicability to hydroforming.

### Conclusion

Applicants have made a genuine effort to respond to the Examiner’s objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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